

Pending

AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend the Fair Labor Standards Act of 1938
to clarify provisions relating to overtime pay.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. 1637

To amend the Internal Revenue Code of 1986 to comply
with the World Trade Organization rulings on the FSC/
ETI benefit in a manner that preserves jobs and produc-

AMENDMENT No. 2881 sim-
United

By

Harkin - others

To:

51637

Refer

2

Page(s)

GPO: 2002 83-247(Mae)

AMENDMENT intended to be proposed by
Senators Harkin, Kennedy, Sarbanes, Kerry, Mikulski

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ PROTECTION OF OVERTIME PAY.**
- 3 Section 13 of the Fair Labor Standards Act of 1938
- 4 (29 U.S.C. 213) is amended by adding at the end the fol-
- 5 lowing:
- 6 “(k)(1) The Secretary shall not promulgate any rule
- 7 under subsection (a)(1) that exempts from the overtime

1 pay provisions of section 7 any employee who would not
2 be exempt under regulations in effect on March 31, 2003.
3 “(2) Any portion of a rule promulgated under sub-
4 section (a)(1) after March 31, 2003, that exempts from
5 the overtime pay provisions of section 7 any employee who
6 would not otherwise be exempt if the regulations in effect
7 on March 31, 2003, remained in effect, shall have no force
8 or effect.”.